IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 6497 of 2007(W)

PETITIONER:

K.ASSIA, W/O.HASSAN,
KUMULLAMKATTIL, KOTHAKURUSSI, ANANGANADI (P.O.),
VIA. OTTAPPALAM.

BY ADV. SRI.K.MOHANAKANNAN
SRI.V.B.RAMANUNNI MENON

RESPONDENTS:

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1. THE OTTAPPALAM CO-OP.URBAN BANK LTD.,
NO.F.1647, OTTAPPALAM- 679 101,
PALAKKAD DISTRICT - REPRESENTED BY ITS
SECRETARY.

2. THE GENERAL MANAGER,
THE OTTAPPALAM CO-OP.URBAN BANK LTD.,
NO.F.1647, OTTAPPALAM- 679 101.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. Siri Jagan, J.

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W.P(C) No. 6497 of 2007

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Dated this, the 27th February, 2007.

J U D G M E N T

Petitioner was a part-time sweeper of the 1st respondent-Bank. The complaint of the petitioner in this writ petition is that by Ext. P2 order, the petitioner's services have been dispensed with without affording her any notice or opportunity of being heard.

2. From Ext. P2 order, I find that the Bank has treated the petitioner as a temporary employee, although in Ext. P1 appointment order, she is shown as a part-time sweeper. Whatever that be, whether the petitioner was a temporary employee or not is a matter for evidence, which can more appropriately be considered in a petition under Section 69 of the Kerala Co-operative Societies Act. In the above circumstances, I am not inclined to exercise my discretionary jurisdiction under Article 226 of the Constitution of India in favour of the petitioner when there is an effective alternative remedy under the Act itself. In fact, Section 69 has been amended for this specific purpose, including the dispute relating to service conditions of employees of co-operative societies. Therefore, without prejudice to the right of the petitioner to approach the authority under Section 69 of Kerala Co-operative Societies Act for appropriate reliefs, the writ petition is dismissed.

Sd/- S. Siri Jagan, Judge.

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